

Oral Argument Not Yet Scheduled
**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

THE HON. PAULINE NEWMAN,
Circuit Judge
United States Court of Appeals for the Federal Circuit,
Appellant,

v.

THE HON. KIMBERLY A. MOORE,
in her official capacities as
Chief Judge of the U.S. Court of Appeals for the
Federal Circuit,
Chair of the Judicial Council of the Federal Circuit, and
Chair of the Special Committee of the Judicial Council
of the Federal Circuit,

THE HON. SHARON PROST,
in her official capacity as
Member of the Special Committee of the Judicial
Council of the Federal Circuit,

THE HON. RICHARD G. TARANTO,
in his official capacity as
Member of the Special Committee of the Judicial
Council of the Federal Circuit,

and

THE JUDICIAL COUNCIL OF THE FEDERAL
CIRCUIT,
AND ALL MEMBERS THEREOF,

Appellees.

NO. 24-5173

**APPELLANT’S CONSENT
MOTION FOR EXTENSION
OF TIME TO FILE
OPENING BRIEFS**

Pursuant to D.C. Circuit Rule 28(e), the Hon. Pauline Newman, Appellant in the above-captioned matter, moves to extend the time to file its brief, which is currently due on November 5, 2024, by thirty (30) days, up to and including December 5, 2024. Appellees consent to this motion provided that the due date for their Response Brief be set for January 21, 2025. In support of the motion, Appellant states as follows:

1. On July 10, 2024, Judge Newman noticed an appeal to this Court from the orders and judgement of the United States District Court for the District of Columbia (Hon. Christopher R. Cooper) in case No. 23-cv-01334-CRC.
2. On September 26, 2024, the Clerk of the Court issued a scheduling order setting the filing deadline for the Appellant's Opening Brief for Tuesday, November 5, 2024, and for the Appellees' Response Brief for Thursday, December 5, 2024.
3. The Court has not yet scheduled oral argument in this matter.
4. Appellant's lead counsel is a full time law professor at the University of Baltimore School of Law, and the current schedule conflicts with his prior commitments (including midterm administration and review).
5. Additionally, on September 25, 2024, Judge Newman filed a motion with the Judicial Council of the Federal Circuit to reconsider her suspension. On October 1, 2024, the Judicial Council remanded the matter to the Special Committee for further consideration.

6. The resolution of the above motion presently pending before the Special Committee may affect the present appeal.
7. This is the first motion to extend the time to file a brief or pleading filed by Appellant in this matter. Consistent with D.C. Cir. R. 28(e)(2), this motion is being filed more than 7 days before the brief is due.

Relief Requested

Wherefore, for reasons stated, Appellant respectfully requests that the Court amend the briefing schedule as follows:

- Appellant's Opening Brief and Appendix Due: December 5, 2024
- Appellees' Response Brief Due: January 21, 2025
- Appellant's Reply Brief Due: February 11, 2025

Respectfully submitted,

/s/ Gregory Dolin

Gregory Dolin, MD
Senior Litigation Counsel

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Counsel for Appellant

Certificate of Service

I hereby certify that on October 7, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing all registered users associated with this case.

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